



County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: July 24, 2012

TO: Megan Brady, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Bette R. Crane, Paralegal
Office of the County Attorney

SUBJECT: Affidavit
RZ 2012-DR-006
Applicant: Board of Supervisors' Own Motion
PC Hearing Date: 9/20/12
BOS Hearing Date: 10/16/12

REF.: 116347

Attached is an affidavit which has been approved by the Office of the County Attorney for the above-referenced case. Please include this affidavit dated 7/18/12, which bears my initials and is numbered 116347, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Laura Gumkowski, Planning Technician (sent via email)
Zoning Evaluation Division
Department of Planning and Zoning

REZONING AFFIDAVIT

DATE: JUL 18 2012
(enter date affidavit is notarized)

I, Edward L. Long Jr., County Executive, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) ☐ applicant
☒ applicant's authorized agent listed in Par. 1(a) below

116347

in Application No.(s): RZ 2012-DR-006
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Ana Maria Espino	8341 Lewinsville Road, McLean, VA 22102	Title Owner of TM 029-1((1)) parcels 33 & 33A
Paula Lyles and Mary J. Gaskins	8337 Lewinsville Road, McLean, VA 22102	Title Owners of TM 029-1((1)) parcels 34 & 34A
8333 Lewinsville LLC	c/o Gary W. Weaver 9112 Ridge Lane, Vienna, VA 22182	Title Owner of TM 029-1((1)) parcel 35
Board of Supervisors of Fairfax County, Virginia	12000 Government Center Parkway, Suite 533 Fairfax, VA 22035	Applicant/Title Owner of TM 029-1((1)) parcel 35A pt., and a portion of Gordon Lane and Odricks Lane to be vacated.
Edward L. Long Jr., County Executive	(same)	Agent

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

JUL 18 2012

DATE: _____
(enter date affidavit is notarized)

for Application No. (s): RZ 2012-DR-006
(enter County-assigned application number (s))

116347

(NOTE): All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Moon Ha Oh and Jung J. Oh William B. Park and Sue Y. Park	8340 Odricks Lane, McLean, VA 22102	Title Owners of TM 029-1((1)) parcel 36
John Augustus Smith and Francis Lee Smith	8342 Odricks Lane, McLean, VA 22102	Title Owners of TM 029-1((1)) parcel 37
Gloria L. Gordon	1331 Gordon Lane, McLean, VA 22102	Title Owner of TM 029-1((1)) parcel 37A
Clarence A. Robinson, Jr. and Maxine W. Robinson	1341 Gordon Lane, McLean, VA 22102	Title Owners of TM 029-1((1)) parcel 38
Winnie Verdell Robinson Charles E. Robinson Alma Delores Bailey	1345 Gordon Lane, McLean, VA 22102	Title Owners of TM 029-1((1)) parcel 39
Lolita M. Bridges	1340 Gordon Lane, McLean, VA 22102	Title Owner of TM 029-1((1)) parcels 40B and 41
Department of Planning and Zoning Fred R. Seldon, Director, Planning Div./DPZ, Agent Barbara C. Berlin, Director, Zoning Evaluation Div. (ZED)/Agent Regina Coyle, Assistant Director (ZED), Agent Megan A. Brady, (ZED), Agent	12055 Government Center Parkway Fairfax, VA 22035	Agent for Applicant/Title Owner of TM 029-1((1)) parcel 35A pt., and a portion of Gordon Lane and Odricks Lane to be vacated

THIS APPLICATION WAS FILED
PURSUANT TO A MOTION MADE
BY THE BOARD OF SUPERVISORS
OF FAIRFAX COUNTY, VIRGINIA.

(check if applicable)

☐ There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

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- 1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, **and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:**

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

8333 Lewinsville LLC
9112 Ridge Lane
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Marian G. Miller, Member	Kenneth M. Gordon, Member
Gary W. Weaver, Managing Member	Renee G. O'Neill, Member
Gloria L. Gordon, Member	

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. **President, Vice President, Secretary, Treasurer, etc.**)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

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- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

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1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (**NOTE:** If answer is none, enter "NONE" on the line below.)

The Board of Supervisors of Fairfax County, Virginia is the title owner of TM 029-1((1)) parcel 35A pt., and a portion of Gordon Lane and Odricks Lane to be vacated, all of which is a part of the application property.

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

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DATE: JUL 18 2012
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(enter County-assigned application number(s))

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

Within the twelve-month period prior to the public hearing, Gary W. Weaver, Managing Member of 8333 Lewinsville LLC, the Title Owner of TM 029-1((1)) parcel 35, contributed in excess of \$100 to Supervisor John Foust.

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

Edward L. Long Jr., County Executive

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18TH day of JULY, 2012, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires: JULY 31, 2016

Jo Ann Havach
Notary Public



Jo Ann Havach
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #178038
My Commission Expires
July 31, 2016